Claim for Recall of Capias

In the Matter of: William-Charles; Dunn
Declared by: R. Lindsey-Morgan;Taylor

1. **No warrant, capias, or writ may issue without a sworn complaint from an injured party.** Where no true claimant appears, no probable cause exists, and any capias issued is void ab initio. (U.S. Const. Amend. IV; Gerstein v. Pugh, 420 U.S. 103 (1975))

2. **A capias issued without authority is a trespass.** Any officer enforcing such an order without a sworn affidavit and true claim acts in fraud under color of law. (Ex parte Phares, 604 S.W.2d 928)

3. **The duty of this court is to prove authority.** The record must show a valid oath of office, fidelity or surety bond, and the sworn complaint of an injured party. Absent this proof, no jurisdiction attaches.

Declaration

I speak in authority. I call for immediate proof on the record of a sworn complaint, oath, and bond behind any order of arrest. Until such proof is entered, the capias is void, and I demand its recall as a matter of law.

R. Lindsey-Morgan;Taylor
Date: 10-01-25
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IN THE COURT OF RECORD

MEMORANDUM OF LAW

In Support of Claim for Recall of Capias

This Memorandum of Law is submitted in support of the Claim for Recall of Capias. The issue presented is whether a capias warrant issued absent a sworn affidavit, oath, or valid judicial determination of probable cause is void ab initio, and whether such action violates the U.S. Constitution, binding treaties, and uniform laws.

Authorities:
1. U.S. Constitution: Amendments IV, V, VI, and XIV guarantee due process, liberty, and security against unlawful searches and seizures.
2. *Gerstein v. Pugh*, 420 U.S. 103 (1975) – Probable cause must be determined by a neutral magistrate upon sworn complaint.
3. *Hurtado v. California*, 110 U.S. 516 (1884) – Due process requires fundamental fairness in deprivation of liberty.
4. *Ex parte Phares*, 612 S.W.2d 519 (Tex. Crim. App. 1981) – A capias issued without proper affidavit is void.
5. Uniform Commercial Code (UCC 3-401, 3-308) – An obligation must be signed and verified; no one may be compelled under unsigned or fraudulent instruments.
6. International Covenant on Civil and Political Rights (ICCPR), Art. 9 – No one shall be subjected to arbitrary arrest or detention; liberty is the rule, detention the exception.
7. Universal Declaration of Human Rights (UDHR), Arts. 3, 9 – Everyone has the right to life, liberty, and security of person; no one shall be subjected to arbitrary arrest, detention, or exile.

Argument:
A capias issued without a sworn affidavit or valid judicial finding of probable cause violates the Fourth Amendment and is void from inception. Such action further denies due process under the Fifth and Fourteenth Amendments. Without a verified complaint, the court lacks subject matter jurisdiction to restrain liberty. As held in *Gerstein v. Pugh*, liberty may not be curtailed on the basis of prosecutorial fiat alone. Likewise, under *Ex parte Phares*, the absence of a valid affidavit renders the capias unlawful.

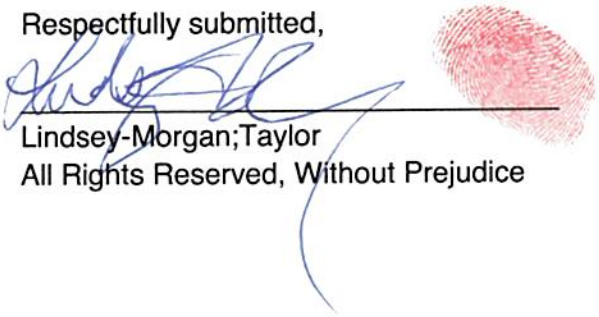
Further, uniform laws recognize that no obligation is enforceable without proper signature and authority, mirroring the requirement for oaths and affidavits in criminal process. International treaty law, including the ICCPR and UDHR, to which the United States is bound, reinforce the principle that arbitrary arrest or detention is unlawful under all circumstances.

Therefore, the capias in question is unlawful, unconstitutional, and void.

Conclusion & Demand:
For the foregoing reasons, the capias issued in this matter must be immediately recalled. All actions taken under its authority are void. The Court is bound by constitutional duty, statutory

law, uniform commercial principles, and treaty obligations to uphold the rights of liberty and due process.

Respectfully submitted,



Lindsey-Morgan;Taylor
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